



PLANNING COMMISSION AGENDA REPORT

III. 1

MEETING DATE: SEPTEMBER 12, 2005

ITEM NUMBER:

SUBJECT: VESTING TENTATIVE TRACT MAP T-16821
2013 THROUGH 2029 ANAHEIM AVENUE

DATE: SEPTEMBER 1, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER (714) 754-5611

DESCRIPTION

The applicant requests approval of a one-lot, airspace subdivision to facilitate the 26-unit common interest development (condominium) approved under PA-03-42.

APPLICANT

The applicant is ABCO Realty Investments, Inc., who is also the owner of the property.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Principal Planner

BACKGROUND

On November 22, 2004, Planning Commission approved Planning Application PA-03-42 to construct a 26-unit residential townhouse project with a minor modification to reduce the front landscape setback (20 feet allowed; 16 feet proposed). The existing structures on the property will be demolished to accommodate the project.

The staff report, plans, and meeting minutes for PA-03-42 are attached to this report for reference.

ANALYSIS

The applicant is requesting approval of the tentative tract map that will facilitate the approved common interest development and allow the 26 units to be sold independent of one another. As allowed under the State Subdivision Map Act, the applicant has applied for a "vesting" tentative tract map. If the vesting map were approved, the Codes applicable at the time of the filing of the map, including fees and development standards, would remain in effect for this project even if the Code or fees change prior to the completion of the project.

The proposal complies with the State Subdivision Map Act. Recordation of conditions, covenants, and restrictions (CC&Rs) prior to the final map is required to ensure common maintenance for the landscaping, driveways, and parking spaces.

ALTERNATIVES

If the vesting map were denied, the units could not be sold independently, and could only be used as rentals.

ENVIRONMENTAL DETERMINATION

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA.

CONCLUSION

Approval of the vesting tentative tract map will allow the previously approved 26-unit common interest development to be sold as ownership units. The map complies with the requirements of Code and the State Subdivision Map Act.

Attachments: Draft PC Resolution
 Exhibit "A" – Draft Findings
 Exhibit "B" – Draft Conditions of Approval
 Letter from City Engineer dated August 15, 2005
 Applicant's Project Justification Form

Location Map
Vesting Tentative Tract Map
Staff Report and Meeting Minutes for PA-03-42

cc: Dep. City Mgr. - Dev. Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Al Mozayeni
ABCO Realty & Investments, Inc.
18552 MacArthur Boulevard, Suite 102
Irvine, CA 92612

File: 091205VT16821	Date: 082405	Time: 930 a.m.
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RESOLUTION NO. 05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING VESTING TENTATIVE
TRACT MAP T-16821**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by ABCO Realty Investments, Inc., property owner with respect to the real property located at 2013 through 2029 Anaheim Avenue for a one-lot, airspace subdivision to facilitate the 26-unit common interest development (condominium) approved under PA-03-42 in an R3 (Multiple Family Residential) zone;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on September 12, 2005;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B," the Planning Commission hereby **APPROVES** Vesting Tentative Tract Map T-16821 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission does hereby find and determine the adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Vesting Tentative Tract Map T-16821 and upon the applicant's compliance with each and all of the conditions contained in Exhibit "B."

Any approval granted by this resolution shall be subject to review, modification, or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of September, 2005.

Chair, Costa Mesa Planning Commission

H

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, acting secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on September 12, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Acting Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both onsite as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The project is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
 - e. The cumulative effects of all planning applications have been considered.
- B. The creation of the subdivision (airspace for condominium purposes) and related improvements is consistent with the General Plan and the Zoning Code.
- C. The proposed use of the subdivision is for residential home ownership, which is compatible with the objectives, policies, general plan land use designation, and programs specified in the City of Costa Mesa 2000 General Plan.
- D. The subject property is physically suitable to accommodate Vesting Tentative Tract Map T-16821 in terms of type, design, and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.
- E. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- F. The subdivision will not unreasonably interfere with the free and complete exercise of the public entity and/or public utility rights-of-way and/or easements within the subdivision.
- G. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- H. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.

- I. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng. 1. The applicant is reminded that all conditions, code requirements, and special district requirements of Planning Application PA-03-42 still apply.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

FROM THE DEPARTMENT OF PUBLIC SERVICES/ENGINEERING DIVISION

August 15, 2005

Costa Mesa Planning Commission
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

SUBJECT: Vesting Tentative Tract No. 16821
LOCATION: 2013-2029 Anaheim Avenue

Dear Commissioners:


Vesting Tentative Tract Map No. 16821 as furnished by the Planning Division for review by the Public Services Department, consists of a 26-unit townhouse conversion. Final Vesting Tract Map will consist of one (1) lot with twenty-six (26) air space units. Tentative Tract Map No. 16821 meets with the approval of the Public Services Department, subject to the following conditions:

1. The Tract shall be developed in full compliance with the State Map Act and the City of Costa Mesa Municipal Code (C.C.M.M.C.), except as authorized by the Costa Mesa City Council and/or Planning Commission. The attention of the Subdivider and his engineer is directed to Section 13-208 through 13-261 inclusive, of the Municipal Code.
2. Two copies of the Final Tract Map shall be submitted to the Engineering Division for checking. Map check fee shall be paid per C.C.M.M.C. Section 13-231.
3. The Final Tract Map and all off-site improvements required to be made, or installed by the Subdivider, shall meet the approval of the City Engineer. Prior to any on-site/off-site construction, permits shall be obtained from the City of Costa Mesa Engineering Division.
4. The Subdivider shall submit an off-site plan to the Engineering Division at the time of submittal of the Final Tract Map. Off-site plan check fee shall be paid per C.C.M.M.C. Section 13-231.
5. In accordance with C.C.M.M.C. Section 13-230, the Subdivider shall submit street improvement plans at the time of first submittal of the Final Tract Map and pay plan check fee per C.C.M.M.C. Section 13-231.
6. The Subdivider shall conduct soil investigations and provide the results to the City of Costa Mesa Engineering and Building Divisions pursuant to Ordinance 66-26.
7. A current copy of the title search shall be submitted to the Engineering Division with the first submittal of the Final Tract Map.

8. Dedicate an ingress/egress easement to the City over Lot "1" for emergency and public security vehicles purposes only. Maintenance of Lot "1" shall be the sole responsibility of a Homeowners Association formed to conform to Section 13-41 (e) of the C.C.M.M.C.
9. All public streets shall be fully improved per the C.C.M.M.C., City of Costa Mesa Standard Drawings, and all requirements of the City Engineer.
10. All public streets construction performed as a part of this development shall present a new and uniform appearance prior to the acceptance of the improvements by the City.
11. The elevations shown on all plans shall be on Orange County benchmark datum.
12. The Subdivider shall submit a cash deposit of \$500 for street sweeping at time of issuance of a Construction Access permit. Full amount of deposit shall be maintained on a monthly basis prior to and during construction until completion of project.
13. There shall be four feet of clear sidewalk behind all immovable objects, i.e., light standards, mail boxes, telephone poles, fire hydrants, etc.
14. Off-site driveway approaches shall be installed and shall be constructed of P.C.C. per City of Costa Mesa, ADA, and Title 24 Standards. All off-site driveway locations and driveway design shall meet the approval of the City Engineer.
15. Any existing drives or curb depressions that will not be used shall be removed and replaced with full height curb and sidewalk.
16. The Subdivider's engineers shall furnish to the Engineering Division a storm runoff study showing existing and proposed facilities and the method of draining this area and tributary areas without exceeding the capacity of any street or drainage facility on-site or off-site. This study to be furnished with the first submittal of the Final Tract Map. Cross lot drainage shall not occur.
17. Ownership and maintenance of the private on-site drainage facilities and parkway culverts and other common areas shall be transferred by the owner to the Homeowner Association to be formed pursuant to C.C.M.M.C. Section 13-41 (e) and said association shall indemnify and hold harmless the City for any liability arising out of or in any way connected with the connection of the private drainage system with the City's drainage system and shall execute and deliver to the City the standard indemnity agreement required for such conditions prior to issuance of permits.
18. Emergency outlets shall be provided at all sump locations along the storm system. Emergency outlets shall be designed to convey the 100-year storm flow.
19. Vehicular and pedestrian access rights to Anaheim Avenue shall be released and relinquished to the City of Costa Mesa except at approved access locations.
20. A Subdivision Agreement and deposit shall be submitted to the City Engineer to guarantee construction of off-site improvements. The cash deposit or surety bond amount shall be determined by the City Engineer.
21. Fulfill the drainage fee ordinance requirements prior to the approval of the Tract Map.

22. Street lighting shall be provided as required by the Public Services Department, Transportation Services Division.
23. Sewer improvements shall meet the approval of the Costa Mesa Sanitary District; call (949) 631-1731 for information.
24. Water system improvements shall meet the approval of Mesa Consolidated Water District; call (949) 631-1200 for information.
25. Dedicate easements as needed for public utilities.
26. Prior to occupancy on the Tract, the surveyor/engineer shall submit to the City Engineer a Digital Graphic File, reproducible mylar of the recorded Tract Map, and approved off-site plan and nine copies of the recorded Tract Map.
27. Submit Traffic Mitigation fee as determined by the Transportation Services Manager.
28. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
29. Prior to recordation of a Final Tract Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital-graphics file of said map in a manner described in Subarticle 12, Section 7-9-337 of the Orange County Subdivision Code.
30. Survey monuments shall be preserved and referenced before construction and replaced after construction, pursuant to Section 8771 of the Business and Profession Code.
31. Prior to recordation of a Final Tract Map, submit required cash deposit or surety bond to guarantee monumentation. Deposit amount to be determined by the City Engineer.

Sincerely,



Ernesto Munoz, P. E.
City Engineer

/ch (Engr. 2005/Planning Commission Tract 16821)

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: **YT-16821**

Environmental Determination: **EXEMPT**

Address:

2013-2029 Anaheim Ave., Costa Mesa

1. Fully describe your request:

26 Townhomes - Vesting Tentative Map

The architectural plans have already been approved by the city of Costa Mesa.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

☐ In a flood zone.

☐ Subject to future street widening.

☐ In the Redevelopment Area.

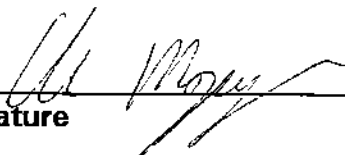
☐ In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Signature



Date

June 20, 2005

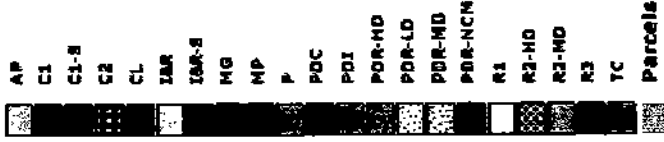
ZONING/LOCATION MAP

Legend

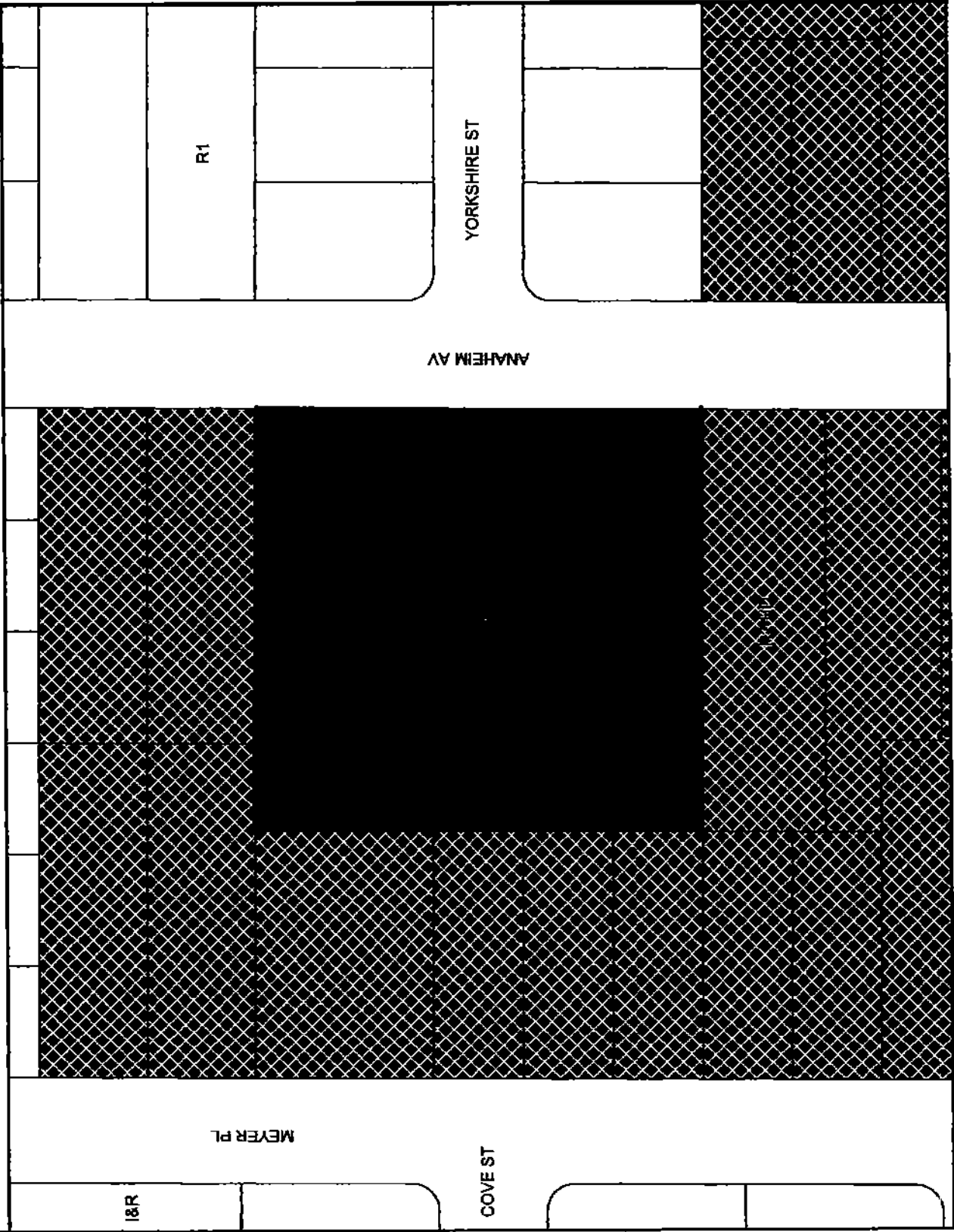
Street Names

Parcel Lines

Zoning



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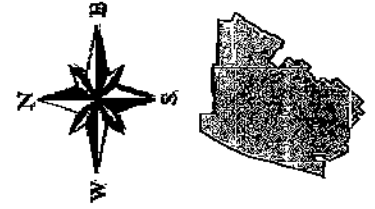


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VT-16821

Legend

- Street Names
- Parcel Lines
- Ortho Photography
- Parcels





CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,
PLEASE CONTACT THE PLANNING DIV. AT (714)754-5245.**